

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday July 14, 2014
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday July 14, 2014 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Vice Mayor Kevin W. Johnson called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

The Oath of Office was given to newly appointed Councilman Jeff Khela by City Solicitor Haas.

**Oath of
Office to
Jeff Khela**

Roll Call showed the following members to be present:

Kevin W. Johnson (Vice Mayor)	1 st Ward
Rich Saddler	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Jeff Khela	6 th Ward

Also present was City Manager Derek K. Allen, City Solicitor John Haas, City Auditor Trent Williams and City Clerk Diana Ratliff.

Councilman Kalb motion to amend the minutes and his statement on the third reading of the minutes as the issue has been quite controversial as his previous statement may have been misleading. He wanted to express his views for the record. Councilman Kalb stated “that he realizes that passing this ordinance would cause a small increase in the city tax paid by somebody that lives in the city but works out of town, but it is not fair that those taxpayers that live and work in the city pay for all city service. Those that work out of town and live in Portsmouth drive on the same streets, are protected by the same police and fire departments and use the same parks and recreational areas but pay nothing for those services, making it more of a financial burden on Portsmouth taxpayers. If everyone paid their fair share, everyone would benefit.”

The motion carried viva voce. **VOTE: ayes 6 – nays 0, the minutes were amended.**

Council dispensed with the reading of the Journal for the regular session of June 23, 2014 on a motion by Kevin E. Johnson.

Councilman Kevin E. Johnson motioned to amend the Agenda so that 8(c) becomes 8(d) and vice versa. Solicitor Haas and City Manager Allen both stated that it didn’t matter if one passes and the other doesn’t nothing will happen on the issue.

The motion carried viva voce. **VOTE: ayes 6 – nays 0, the items were switched.**

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

There was no one present who wished to address Council on items on the agenda.

Councilman Kalb moved to add an Ordinance to the Agenda as item 8f; An Ordinance to revise the Codified Ordinances by adopting replacement pages thereto and declaring an emergency

**Item added
to the
Agenda**

The motion carried viva voce. **VOTE: ayes 6 – nays 0**

LEGISLATION

The clerk gave a **third reading**, to an Ordinance to submit to the electors of the City of Portsmouth, Ohio, at the general Election to be held on the 4th day of November 2014, proposed amendments of Section 47(g) of the Charter of the City of Portsmouth, Ohio.

**Ord. #28-14
Charter
Amendment
47 (g)
\$100,000
Bond
Indebtness**

Councilman Kevin E. Johnson moved that this Ordinance be passed.

City Manager Allen requested to ask a question and make a comment regarding this subject as he has no vote on this issue and he also would like his comment stated in the journal. He states, “This did not originate from the City Manager’s office or the administration and/or it might have an important role to play, but it wasn’t part of any strategy or plan that I had. My question is: Vice Mayor Johnson, is this intended to pay for the Courts move to the County Court House?” Vice Mayor Johnson replied that it would be used for a few things, it was used to buy a fire engine some time ago, according to the Fire Chief. City Manager Allen stated that “I have no idea how I would utilize this if the Court moves to the County Court House and have never had anyone share the

strategy of how we would fund that move and I guess this is one way or if this is the way the Court can mandate that move, I would not be personally in favor of this, I don't vote and I wanted to be on the record on that. This wasn't part of my strategy or my idea for this somehow being used to fund the Court's move and it wasn't the City Manager's idea." He wanted to be on the record.

Councilman Kalb stated that he doesn't know of any use that the City would have for it right now but he believes that it is an important tool for the future and eliminates a situation where we had to have it and didn't.

Auditor Williams stated that the most recent item purchased was a Fire truck.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 2 nays (R. Saddler, G. Meadows), the Ordinance was passed.**

The clerk gave a **third reading**, to a Resolution providing for the annual tax budget for municipal purposes for the year 2015.

Councilman Kevin E. Johnson moved that this Resolution be adopted.

There were no questions or comments. The role was called. **VOTE: 6 nays – 0 nays, the Resolution was adopted.**

The clerk gave a **first reading**, authorizing the appropriation of funds in the amount of \$27,180 from Capital Improvement Fund No. 301 for the purchase of a 2014 GMC Terrain from Glockner to be utilized by SOPA as the City of Portsmouth's contribution towards operation costs.

Councilman Kevin E. Johnson moved that this constitute a first reading.

Councilman Saddler thanked Jason Kester of SOPA for obtaining the other quotes even though the other quotes were higher than Glockners, it shows good faith in City Government with trying to shop locally if possible.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into an interagency agreement between the City of Portsmouth and SOPA that details the conditions of a vehicle loan to SOPA as per Exhibit A, attached.

Councilman Kevin E. Johnson moved that this constitute a first reading.

City Manager Allen asked Council if the agreement met with everyone's approval. We are not giving the vehicle away, we are only providing him with a vehicle to use. Solicitor Haas stated that SOPA would also be maintaining and insuring it. The City could always be sued but SOPA would be required to indemnify the City and hold us harmless.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, authorizing Fire Department Vehicle 189 a 1989 1500 GPM Sutphen pumper be declared surplus property and that a scrap value be obtained to establish a base bid in order for the City Manager to offer this vehicle for auction and if no bids meet the minimum bid said vehicle will be scrapped.

Councilman Kevin E. Johnson moved that this constitute a first reading.

Councilman Kevin E. Johnson stated that after reading the article in the Portsmouth Daily Times, he apologized to Fire Chief Raison for supporting this item and added that if someone had been here from the Fire Department to enlighten him of the relationship with SOCF, he would have voted to donate it. Councilman Kalb requested that the City Manager get a scrap price on it first and then come back to Council. Solicitor Haas stated that the Ordinance was drafted to give the City Manager the authority to get a bid and to also set that as the minimum bid and to auction it. Depending on what Council wants to do, it needs to be passed or amended. Councilman Saddler stated that he was against giving it to SOCF and the reason being was the comments he made earlier and he stands behind that 100% and he feels that this City needs every dime as we're in a deficit and on the verge of being taken over by the State of Ohio. Every dime that we can gather and put toward our deficit, we should strive to retrieve those dollars. He understands that we have a mutual aid contract and every Council member should understand what mutual aid is, Police, Fire or whatever agency but this one time, he feels that there is more of a need to recoup as much money as we can, whether it's a Fire truck or an alley. Councilman Kalb stated that regardless of how he feels about the issue, he motioned to delete "offer the vehicle for auction and if no bids meet the minimum bid said vehicle will be scrapped" and then come back after we have a value on the vehicle (scrap or sale) and have Council take another look at it and at that time make a decision. Solicitor Haas suggested stopping after the word obtained and Councilman Kalb agreed. Councilman Saddler asked what the purpose of the amendment would be and Councilman Kalb replied that after the pricing was obtained it would come back to Council to decide how to dispose of it.

Res. #08-14
 Annual Tax
 Budget

Ord. #29-14
 Scrap value
 for Fire
 Department
 vehicle.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 1 nays (R. Saddler), the Ordinance was amended.**

Councilman Kevin E. Johnson withdrew his motion for a first reading and Councilman Kalb motioned for the three reading rules to be suspended.

The role was called. **VOTE: 4 ayes – 2 nay (R. Saddler, G. Meadows), the rule was suspended.**

Councilman Kalb motioned that the amended Ordinance be passed.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 1 nays (R. Saddler), the Ordinance was passed.**

The clerk gave a **first reading**, an Ordinance to revise the Codified Ordinances by adopting replacement pages thereto and declaring an emergency. **Consent Agenda Item**

Councilman Kevin E. Johnson motioned for the three reading rules to be suspended.

The role was called. **VOTE: 6 ayes – 0 nays, the rule was suspended.**

Councilman Kalb motioned that the Ordinance be passed.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, the Ordinance was passed.**

Ord. #30-14
 Codified
 Ordinances

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Sean Dunn 1002 14th Street – Portsmouth, OH – He represents the Skate park idea and asked for Councils support to meet a September 1, 2014 deadline for the Nature Works Grant application for a skate park in Portsmouth. He gave background to the project stating they have been working with the Tony Hawk Foundation, Spohn Ranch Skate Park Company out of California, local community groups (Local Skaters, Connex Group, Parks & Recreation Committee and individuals associated with Shawnee State University). He doesn't believe that there is any disagreement with the positive aspects of having a skate park or controversy of putting in a skate park in Portsmouth. He's spoken with several members of Council, all have said that a skate park would be a great idea and they would support it and what we're looking for is that City Council's support to move it forward. He's spoken with consultants that said, our group has moved faster than any other group that they've worked with. They've selected a spot near Spartan Stadium just off Mary Ann Street and are looking to use 10,000 square feet of that area for the skate park. They are looking for zero money from the City and are raising money from local fund raising, applying for grants from the Tony Hawk foundation, soliciting donated labor from local Unions and they will continue to solicit donated materials from local companies. They're asking for cooperation from the City in getting this process moving forward. During a Parks & Recreation meeting they stated they would need to present CIP funds as a show of support of the project moving forward, but CIP funds would not be used, instead it would be funds donated from the Nature Works Grant, donated labor, donated materials, donated city property for the project would count as part of our 25% matching funds. Generally we see throughout the community the need for a skate park and Portsmouth has previously tried to get a skate park here but now we have a very wide spread support throughout the community to support the movement of the skate park. All the Councilmen that he has spoken with have said that it's not impossible to hit the September 1, 2014 grant deadline.

Linda Switzer – 319 Front Street – Portsmouth, OH – She stated that the last time she was here there was a group talking about making Front Street a One-Way Street. Last week she received an email from Main Street regarding one-way and two-way street and invited Council to look at her facebook page to see the article. There have been studies and found that cities prosper better with two-way streets, cars go slower, there's less crime, towns and cities are going back to the two-way streets. She has spoken to tourists, people in cars, people on motorcycles and not one have said that Front Street should be one-way.

Councilman Kalb motioned to move into Executive Session with the sole purpose of discussing Litigation. Solicitor Haas requested that the City Manager and Mr. Smith go into Executive Session with Council.

The role was called. **VOTE: 6 ayes – 0 nays, the motion carried. Council recessed into Executive Session at approximately 6:35p.m.**

Council reconvened at 6:55p.m. The roll call showed all those previously in attendance were still present with the exception of City Auditor Williams.

Executive
 Session to
 discuss
 litigation

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report – City Clerk Ratliff reported the following:

1. Received the Oath of Office for Carrie Massie of the Shade Tree Commission.
2. Received from the Ohio Division of Liquor Control a request for license transfer from Frog Willys & Patio, LLC at 1545 Gallia Street-Portsmouth, OH to Lattes at the Lofts, LLC dba Coffees at the Lofts at 842 Gallia Street-Portsmouth, OH
3. Received from the Auditor via e-mail, the following Combined MTD/YTD reports for the period ending June 30, 2014: Expense Report, Revenue Report, Fund Report and Appropriations Transfer.
4. Updated the City Web-Site with the Charter and Codified Ordinances and under services will be a guideline and form to complete for a Public Records Request.

The City Clerk's report was received, filed and made part of the record, on a motion by Councilman Kalb.

City Manager's Report – Manager Allen reported the following:

1. He stated that Council has his written report and it can also be obtain on the city's website.
2. He thanked Chief Raison for filling in while he was away and added that things ran smoothly.
3. He advised Council of a meeting that he and Solicitor Haas attended with the State Auditor. They have reviewed the 5 year plan submitted last year by former Mayor David Malone and expressed concerns as to why it has not been followed or implemented. He advised them that he would respond as to why the city didn't implement the actions listed in the plan. He added that the State is expecting a new 5 year recover plan to be submitted. He asked for Solicitor Haas to add comments regarding the meeting. Solicitor Haas further added that the State will be keeping an eye on how the city moves toward recovery and believes that the Auditor's office was impressed with Manager Allen and his grasp of the facts and feels that they are confident in his understanding of where the City is financially. He concluded by stating that it is important to show the Auditor's office that once a new 5 year plan is in place, Council needs to adopt the ideas that come from the City Manager's office and implement them. The State was not happy with the recent legislation reducing the city income tax credit that Council failed to pass.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Kalb.

Acting Mayor's Report – Vice Mayor Johnson reported the following:

1. He re-appointed Jeff Brant to the Land Utilization-Neighborhood Committee on a recommendation from newly appointed 6th Ward Councilman Jeff Kleha.
2. He appointed Councilman Kalb to the Portsmouth-Scioto County Visitors Bureau Board of Trustees, he replaces former Councilman Steve Sturgill. Also appointed to the Board of Trustees was Sharon Bender who will replace Kevin W. Johnson.
3. He asked Council to consider the following: Vacant seat on the Board of Design and Review; vacant seat on the Traffic Committee in the 6th Ward; 2 vacant seats in the 2nd & 4th Ward for the Land Reutilization.
4. He announced that due to health reason he is resigning as Acting Mayor of City Council effective 5:00 July 28, 2014 but he will retain his 1st Ward Council position. He requested that Solicitor Haas conduct the nominations for the open position.

The Acting Mayor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Vice Mayor Johnson stated that he had read an article in the Portsmouth Daily Times regarding Jason Kester of Southern Ohio Port Authority, he was disappointed that it was on page 5 and not on the front page of the newspaper as it was a great article. He added that he has been very impressed with SOPA and is glad to have Mr. Kester back in the area as he is originally from the Portsmouth area and he's excited about what is being accomplished and watching the community pull together.

2nd Ward – Councilman Saddler welcomed Lt. Jeremiah and Kathryn Eisley to the community as they will be serving as the Commanders of the Portsmouth Salvation Army at 1001 9th Street – Portsmouth.

3rd Ward – Councilman Kevin E. Johnson expressed his thoughts about Vice Mayor Johnson's resignation as Vice Mayor.

4th Ward – Councilman Kalb stated that on Saturday a tour group of 24 visitors visited Horseshoe Mound at Mound Park, toured the murals and had two meals in town. This group consisted of people

from places such as California, Texas, Florida, Indiana, Virginia, Canada and many other locations. They were more impressed with our city than the other locations on their tour and look forward to visiting again. He expressed his unhappiness with the local media for failing to represent and document the visit as they were notified well in advance of the event. He thanked the city manager and the grounds crew for the excellent job in preparing Mound Park for visitors and he wishes that Portsmouth had the funds to keep Mound Park, and all other city facilities, in the condition it was for this past weekend.

5th Ward – Councilman Meadows wished Vice Mayor Johnson well and stated that he was sorry to see him step down.

6th Ward – Councilman Khela appointed Jim Johnson to the 6th Ward seat of the Traffic Committee.

City Solicitor – Solicitor Haas reported the following:

1. He thanked the City Manager for the invite to the State Auditor’s meeting. He stated that the Auditors were somewhat disappointed but not surprised and he didn’t get the feeling that they were here to interfere, but they want us to create a plan and stick to it so that there won’t be any issues. He added that there had been a disconnect with the change in Government, however he feels that the Auditors were impressed with Manager Allen and his ability to straighten out our deficit and the fact that there was not one question that they asked that he did not answer. They expect us to take every opportunity that we have to correct our fiscal issues.
2. He stated that the Civil Service Commission had a meeting and they went through the last bit of proposed draft of the new Civil Service rules and he’s been tasked with implementing all the changes that have taken place over the last 4 or 5 meetings. He is hoping to have something by September to present to Council to update the Civil Service rules that have been in place since the 1960’s.

Auditor Williams – Auditor Williams left the meeting early, no report.

The meeting adjourned at approximately 7:15 p.m. on a motion by Councilman Kalb.

City Clerk

Acting Mayor